



PERIODIC REVIEW

**Western Batteries
Facility Site ID#: 2248**

**1127 NW 54th Street,
Seattle, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

April 2010

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Western Batteries (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of lead remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup
 - 2. Where the cleanup level is based on a practical quantitation limit
 - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

The site is located at 1127 N.W. 54th Street in a mixed residential/business neighborhood. The Site is located in the Ballard District of Seattle. The Property is 0.2 acres of land located adjacent to the original Vaupell Industrial Plastics building. Western Batteries Inc. occupied the Property from approximately 1975 until 1989. During that time the Property was used for battery and equipment storage as well as parking. The facility stored batteries and shipped them for recycling. Vaupell Industrial Plastics (Vaupell) became the owner of the property. Since the remedial action, a warehouse with a concrete/rebar floor has been constructed on the Property. The Property is completely covered by the concrete flooring as are adjacent areas that were also remediated in 1992. The only sensitive environment is a fishery resource, the Lake Washington Ship Canal approximately 2,500 feet south of the site. There is no known use in the area of the ground or surface water for drinking. The Site has been used historically for industrial operations, and is currently zoned by the City of Seattle for industrial use. The Site is expected to be used for industrial purposes for the foreseeable future.

2.2 Site Investigations and Sample Results

Ecology conducted a site inspection in March 1990 revealing soil contamination which had lead levels as high as 77,000 ppm (total lead). Batteries were stored outside without cover or other protection from the elements. Many of the batteries had broken cases which resulted in the release of metals and corrosive acid to the environment. In addition, the neighboring property's vegetation looked stressed and the concrete had been acid-etched from runoff. A Site Hazard Assessment was conducted for the site in 1991 by Ecology, ranked a "3" ("1" is the worst, "5" is the least worst).

There were two major contaminants on site, lead from the leaking batteries and total petroleum hydrocarbons (TPH) from a leaking underground storage tank. Soil was the media that was contaminated.

2.3 Cleanup Actions

Independent cleanup work performed at the Site included soil removal, soil verification sampling, and backfilling the excavation area with crushed concrete materials. All work was performed over the period April 18 through May 18, 1992, and included the following (a more complete documentation of remediation activities is contained in the Hart Crowser Site Remediation Report dated August 10, 1992):

- Approximately 500 tons of soil and asphalt containing lead and acid were excavated from the Site and transported to a permitted hazardous waste facility for treatment and disposal in accordance with applicable state and federal regulations;

- Approximately 50 tons of soil containing fuel oil were excavated from the Site and transported to a City of Seattle solid waste transfer station for disposal as a municipal solid waste, also in accordance with applicable regulations;
- Following completion of soil verification sampling activities, excavated areas of the Site were capped with an average of 1 to 1-1/2 feet of crushed concrete materials. The Site was then used as a temporary parking facility;
- Crushed concrete backfill materials presently cover all soils with greater than 250 mg/kg lead and thus provide a barrier to potential contact with soils which exceed the Method A cleanup level;
- The relative cost to remove soils containing more than 250 mg/kg versus 500 mg/kg lead, generally following the “substantial and disproportionate” guidance outline prepared by Lynn Coleman in an Ecology memo dated September 9, 1993, supports institutional controls; and
- Institutional controls are in place at the Site to further prevent soil contact. Such controls include: 1) the property is currently zoned industrial and is targeted for future industrial use; and 2) a deed restriction.

Further discussions between Ecology and Nelson Strandling of Vaupell occurred subsequent to a May 7, 1993 letter from Ecology. Ecology listed a number of concerns with the cleanup as described in the Hart Crowser Site Remediation Report which prevented Ecology from delisting the former Western Batteries, Inc. facility from the State Hazardous Sites List. Ecology also agreed with some aspects of the cleanup. Hart Crowser, consultant for Vaupell responded in March 1994 to facilitate Ecology’s review of a request for a ‘No Further Action’ (NFA) determination. The concerns or statements (in bold type) were addressed as follows:

1. **The current soil cleanup level for lead is 250 milligrams per kilogram (mg/kg; parts per million), not 500 mg/kg.** For the purpose of this No Further Action determination at the Former Western Batteries, Inc. Site, performed pursuant to current guidelines set forth under the State Model Toxics Control Act (MTCA; Chapter 173-340 WAC), Hart Crowser concurred that the soil cleanup level for lead is 250 mg/kg.
2. **Cleanup levels for pH and TPH are acceptable.** Hart Crowser concurred.
3. **Site description and characterization are adequate.** Hart Crowser concurred.
4. **Verification sampling data collected following completion of excavation activities should have been presented in a separate table.** Hart Crowser submitted tables and maps with their response which clarified the situation.
5. **Groundwater contamination does not appear to be an issue.** Hart Crowser concurred.
6. **There is no evidence to prove that contamination present at locations S-18 and S-19 was remediated.** The consultant responded that Ecology appeared to have mistaken units of “inches” for “feet”. During the progress of the soil removal action, soil samples were collected on April 29, 1992 at 2-inch depth intervals within grids S-18 and S-19. During that sampling, soil lead concentrations above 500 mg/kg were detected up to 6 inches below ground surface. As discussed in Appendix A of the Site Remediation Report, on May 1, six (6) inches of soil were excavated from both of these grids. Subsequent verification sampling performed after the S-18 and S-19 excavations were completed revealed that soil lead concentrations on the bottom of these excavations were 120 mg/kg and 32 mg/kg, respectively. The consultant felt the data

presented in the Site Remediation Report were sufficient to document the cleanup of soils containing more than 500 mg/kg lead.

7. There is little evidence of confirmation sampling on the adjacent (eastern) property. Four grids (S-1 through S-4) were excavated on the adjacent eastern property. Post-excavation soil sampling results for these grids were summarized in a table and submitted with the response. Lead concentrations at the bottom of the off-Site property excavations ranged from 120 mg/kg to 390 mg/kg. Surface soil sampling data for off-Site property locations beyond the limits of excavation were also summarized in the table. Soil lead concentrations throughout the non-excavated portions of the adjacent eastern property ranged from less than 10 mg/kg to 250 mg/kg. The consultant stated that the small size of the excavated area (0.03 acres) relative to the total adjacent property area (0.34 acres), allowed the adjacent property to comply with the 250 mg/kg soil lead cleanup level, using provisions for statistical analysis as set forth in the MTCA [WAC 173-340-740(7)(f)].

8. The cleanup action achieved compliance with a soil lead concentration of 500 mg/kg, but did not achieve compliance with the 250 mg/kg soil lead cleanup level. Hart Crowser concurred.

9. Use of multiple sampling data to demonstrate compliance with the cleanup levels is confusing. A table was submitted with the response to clarify the situation. The consultant indicated the values were typically higher than soil concentrations for the same elevation encountered during samplings prior to the final excavation.

10. MTCA statistical calculations performed using only post-excavation composite samples demonstrate that the removal action at the former Western Batteries, Inc. property achieved a soil lead concentration of approximately 400 mg/kg, greater than the 250 mg/kg cleanup level. Hart Crowser concurred. Soil lead concentrations between 250 and 400 mg/kg may be present in surface soils throughout the former Western Batteries, Inc. property.

11. The remedial actions described in the Site Remediation Report are reasonable. Hart Crowser concurred.

A 'No Further Action' letter was issued by Ecology on August 28, 1998 after a restrictive covenant was recorded.

2.4 Cleanup Levels

Please see issues/responses 1, 2, 7, 8, and 10 in the section immediately preceding for a discussion of cleanup levels. In short, MTCA Method A cleanup standards were used for comparison purposes but were not met at a standard point of compliance; however, a conditional point of compliance was accepted by Ecology.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 1998 which imposed the following limitations:

Section 1. The Property is 0.2 acres of land located adjacent to the Vaupell Industrial Plastics building. Western Batteries Inc. occupied the Property from approximately 1975 until 1989. During which time the Property was used for battery and equipment storage as well as parking. In 1992, a remedial action was conducted as described in the documents previously identified and on file at Ecology a NWRO. A site map showing location of residual contamination is attached to the covenant as Appendix A. Since the remedial action, a warehouse with a concrete/rebar floor has been constructed on the Property. The Property is completely covered by the concrete flooring as are adjacent areas that were also remediated in 1992. There is no human or environmental exposure to the soil.

- a. The Property shall be used only for traditional industrial/commercial purposes as described in RCW 70.105D.020(23) and defined In and allowed under the City of Seattle's zoning regulations codified in Chapter 23.50 of the Seattle Municipal Code as of the date of this Restrictive Covenant.
- b. The Owner shall not alter modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway is prohibited. Examples of activities that are prohibited on the Property include: demolition of the building, drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the concrete with a rod, spike or similar item, bulldozing or earthwork. Any activity on the Property that interferes with the continued protection of human health and the environment is prohibited.

Section 2. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for maintenance of the Remedial Action.

Section 3. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 4. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 5. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

Section 6. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use

of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on April 28, 2010, the building and asphalt cover (remedy) at the Site continue to eliminate exposure to contaminated soils by ingestion and contact. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a Vaupell Industrial Plastics facility. A photo log is available as Appendix 6.5.

Soils with lead concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy (Site structures and asphalt surface) prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

3.4 Current and projected Site use

The Site is currently used for commercial and industrial purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

4.1 Next Review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

There are some areas of asphalt deterioration on the 53rd street side of the building which if not repaired or replaced ultimately may result in the failure of the remedy in the future.

5.0 REFERENCES

Hart Crowser, Site Characterization Study: Western Batteries, Inc., Facility, Seattle, Washington. Report prepared for Vaupell Industrial Plastics, 1991;

Hart Crowser, Cleanup Action Plan: Western Batteries, Inc., Facility, Seattle, Washington. Report prepared for Vaupell Industrial Plastics, 1992;

Hart Crowser, Site Remediation: Western Batteries, Inc., Facility, Seattle, Washington. Report prepared for Vaupell Industrial Plastics, 1992;

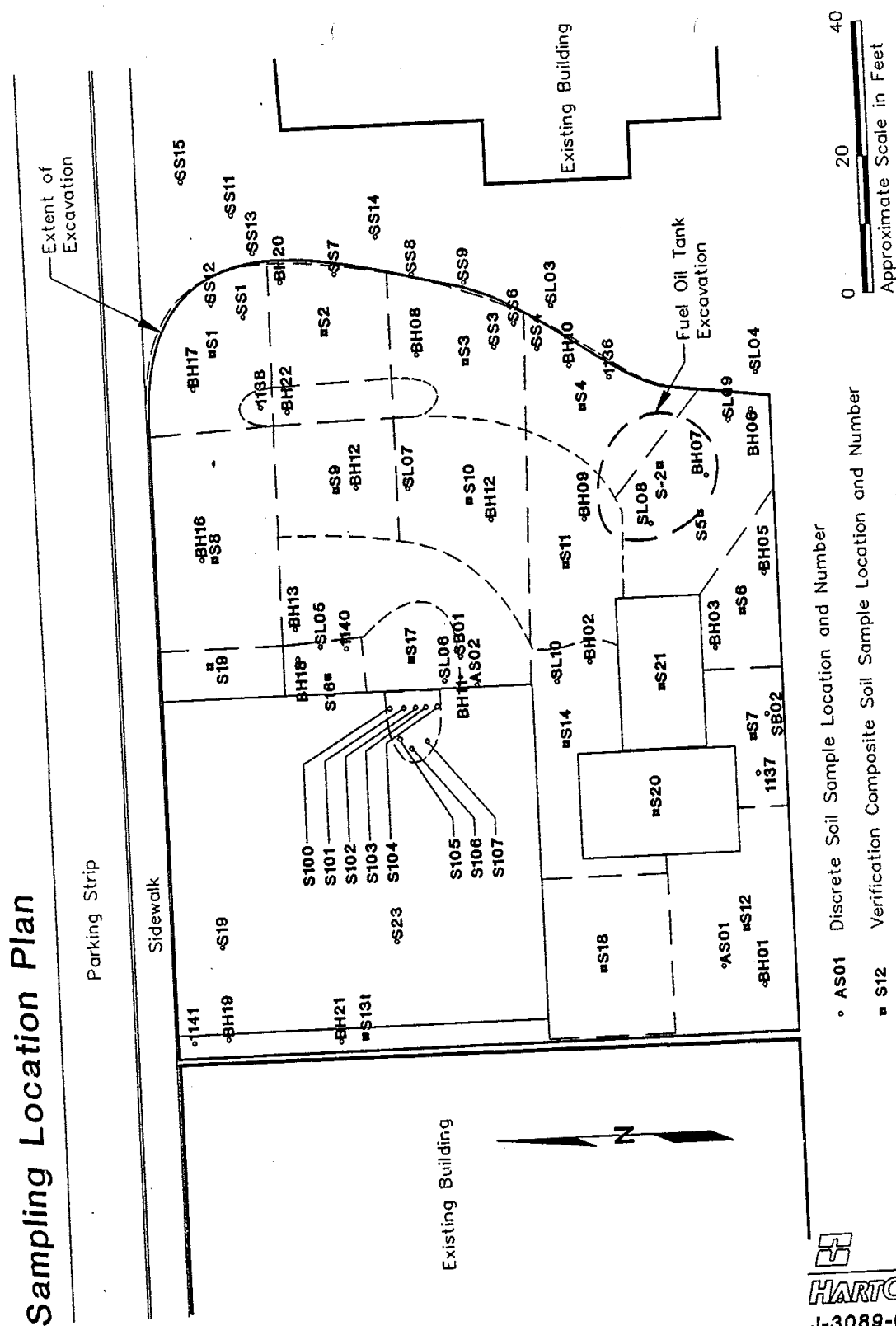
1998 Restrictive Covenant;

Ecology, 2010 Site Visit.

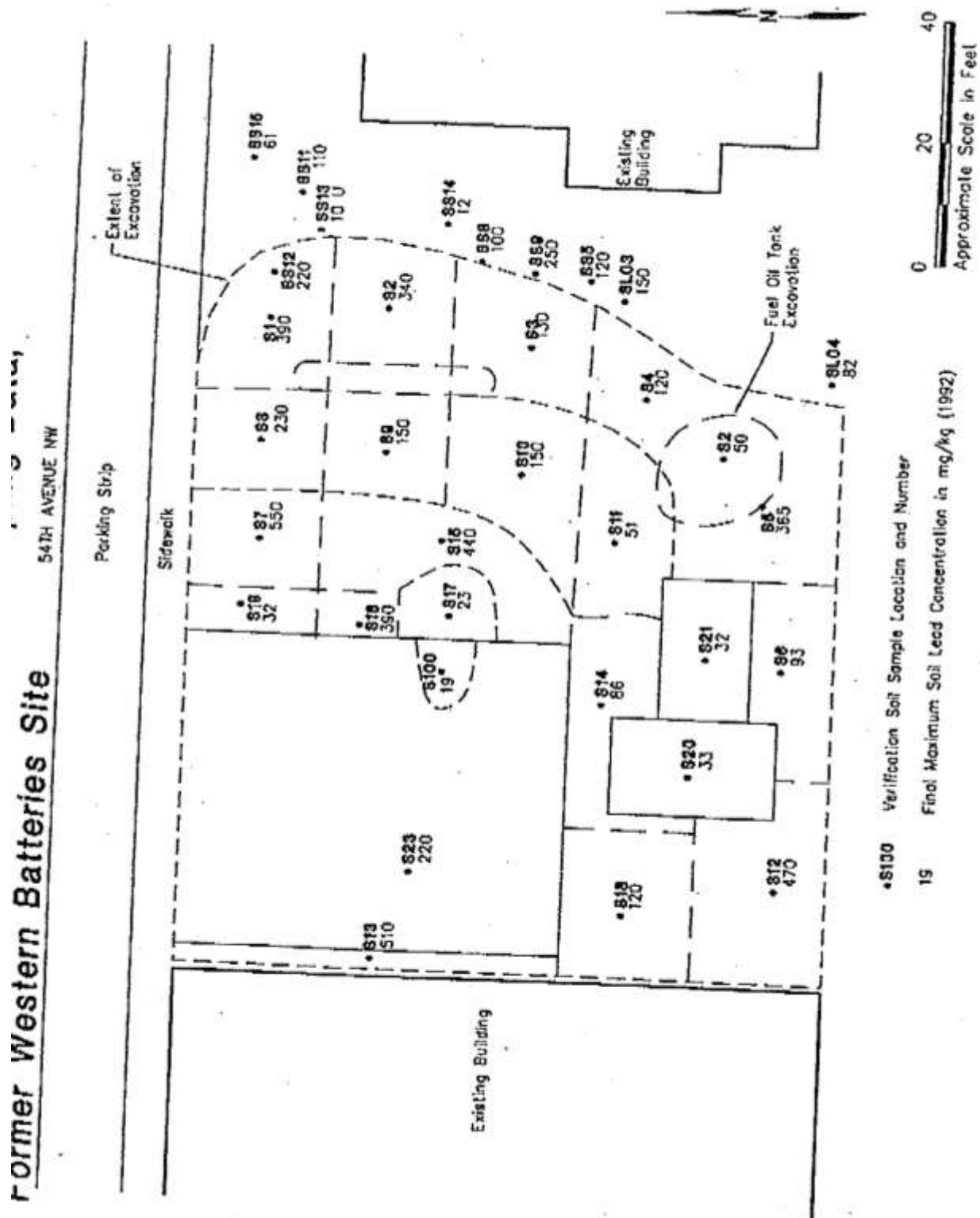
6.0 APPENDICES

This is a detailed street map of Seattle, Washington. The map shows the city grid, including major roads like 1st Avenue, 2nd Avenue, 3rd Avenue, 4th Avenue, 5th Avenue, 6th Avenue, 7th Avenue, 8th Avenue, 9th Avenue, 10th Avenue, 11th Avenue, 12th Avenue, 13th Avenue, 14th Avenue, 15th Avenue, 16th Avenue, 17th Avenue, 18th Avenue, 19th Avenue, 20th Avenue, 21st Avenue, 22nd Avenue, 23rd Avenue, 24th Avenue, 25th Avenue, 26th Avenue, 27th Avenue, 28th Avenue, 29th Avenue, 30th Avenue, 31st Avenue, 32nd Avenue, 33rd Avenue, 34th Avenue, 35th Avenue, 36th Avenue, 37th Avenue, 38th Avenue, 39th Avenue, 40th Avenue, 41st Avenue, 42nd Avenue, 43rd Avenue, 44th Avenue, 45th Avenue, 46th Avenue, 47th Avenue, 48th Avenue, 49th Avenue, 50th Avenue, 51st Avenue, 52nd Avenue, 53rd Avenue, 54th Avenue, 55th Avenue, 56th Avenue, 57th Avenue, 58th Avenue, 59th Avenue, 60th Avenue, 61st Avenue, 62nd Avenue, 63rd Avenue, 64th Avenue, 65th Avenue, 66th Avenue, 67th Avenue, 68th Avenue, 69th Avenue, 70th Avenue, 71st Avenue, 72nd Avenue, 73rd Avenue, 74th Avenue, 75th Avenue, 76th Avenue, 77th Avenue, 78th Avenue, 79th Avenue, 80th Avenue, 81st Avenue, 82nd Avenue, 83rd Avenue, 84th Avenue, 85th Avenue, 86th Avenue, 87th Avenue, 88th Avenue, 89th Avenue, 90th Avenue, 91st Avenue, 92nd Avenue, 93rd Avenue, 94th Avenue, 95th Avenue, 96th Avenue, 97th Avenue, 98th Avenue, 99th Avenue, 100th Avenue. The map also shows the city center, including the University of Washington, the city hall, and the city square. The map is oriented with North at the top.

6.2 Site Plan



6.3 Lead Concentration Map



6.4 Environmental Covenant

After Recording Return To:
Bogle & Gates P.L.L.C.
Two Union Square
601 Union Street
Seattle, WA 98101-2346
Attn: Jeffrey W. Leppo

DECLARATION OF RESTRICTIVE COVENANT

9807060305

Grantor: JFFT Real Estate, Inc.

Grantee: State of Washington Department of Ecology

Abbreviated Legal Description: Lots 7 and 8, Block 136 of Gilman Park, Vol. 3 of Plats, Page 40, King County, Washington. Full legal description on page 3.

Assessor's Tax Parcel Number: 276830-0545-04

Related Documents: None

FORMER WESTERN BATTERIES, INC

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by JFFT Real Estate, Inc., its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents:

1. Technical Assistance Team Site Assessment Report for: Western Batteries, Seattle, Washington, TDD T10-8810-006. Ecology and Environment. Report prepared for EPA. 1988.
2. Site Characterization Study: Western Batteries, Inc. Facility, Seattle, Washington. Hart Crowser. Report prepared for Vaupell Industrial Plastics. 1991.
3. Cleanup Action Plan: Western Batteries, Inc. Facility, Seattle, Washington. Hart Crowser. Report prepared for Vaupell Industrial Plastics. 1992.
4. Site Remediation: Western Batteries, Inc. Facility, Seattle, Washington. Hart Crowser. Report prepared for Vaupell Industrial Plastics. 1992.

These documents are on file at Ecology's Northwest Regional Office (NWRO).

This Restrictive Covenant is required because upon completion of the Remedial Action, sampling indicated concentrations of lead of approximately 400 mg/kg in four locations (see Appendix A). The Model Toxics Control Act Method B Residential Cleanup Level for soil established under WAC 173-340-700(3)(b) is 250 mg/kg.

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The undersigned, JFFT Real Estate, Inc., is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows: Lots 7 and 8, Block 136 of Gilman Park, according to the plat thereof recorded in Volume 3 of Plats, Page 40, Records of King County, Washington, situated in the City of Seattle, County of King, State of Washington.

JFFT Real Estate, Inc. makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1.

The Property is 0.2 acres of land located adjacent to the Vaupell Industrial Plastics building. Western Batteries, Inc. occupied the Property from approximately 1975 until 1989. During which time the Property was used for battery and equipment storage, as well as parking. In 1992, a remedial action was conducted as described in the documents previously identified and on file at Ecology's NWRO. A site map showing location of residual contamination is attached as Appendix A. Since the remedial action, a warehouse with a concrete/rebar floor has been constructed on the Property. The Property is completely covered by the concrete flooring, as are adjacent areas that were also remediated in 1992. There is no human or environmental exposure to the soil.

- a. The Property shall be used only for traditional industrial/commercial purposes, as described in RCW 70.105D.020(23) and defined in and allowed under the City of Seattle's

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zoning regulations codified in Chapter 23.50 of the Seattle Municipal Code as of the date of this

Restrictive Covenant.

- b. The Owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Examples of activities that are prohibited on the Property include: demolition of the building, drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the concrete with a rod, spike or similar item, bulldozing or earthwork. Any activity on the Property that interferes with the continued protection of human health and the environment is prohibited.

Section 2.

The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for maintenance of the Remedial Action.

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The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

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The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 5.

The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 6.

The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

GRANTOR: JFFT REAL ESTATE, INC.,
a WASHINGTON corporation

By: Fred Tompkins
Frederick Tompkins, President

Dated this 1 day of July, 1998.

9807060305

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Frederick Tompkins is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of JFFT Real Estate, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: July 1st, 1998.

M. Charlene Finnely
(Signature)

M. Charlene Finnely
(Name legibly printed or stamped)
Notary Public in and for the State of Washington,
residing at Essaquah
My appointment expires 9/8/98



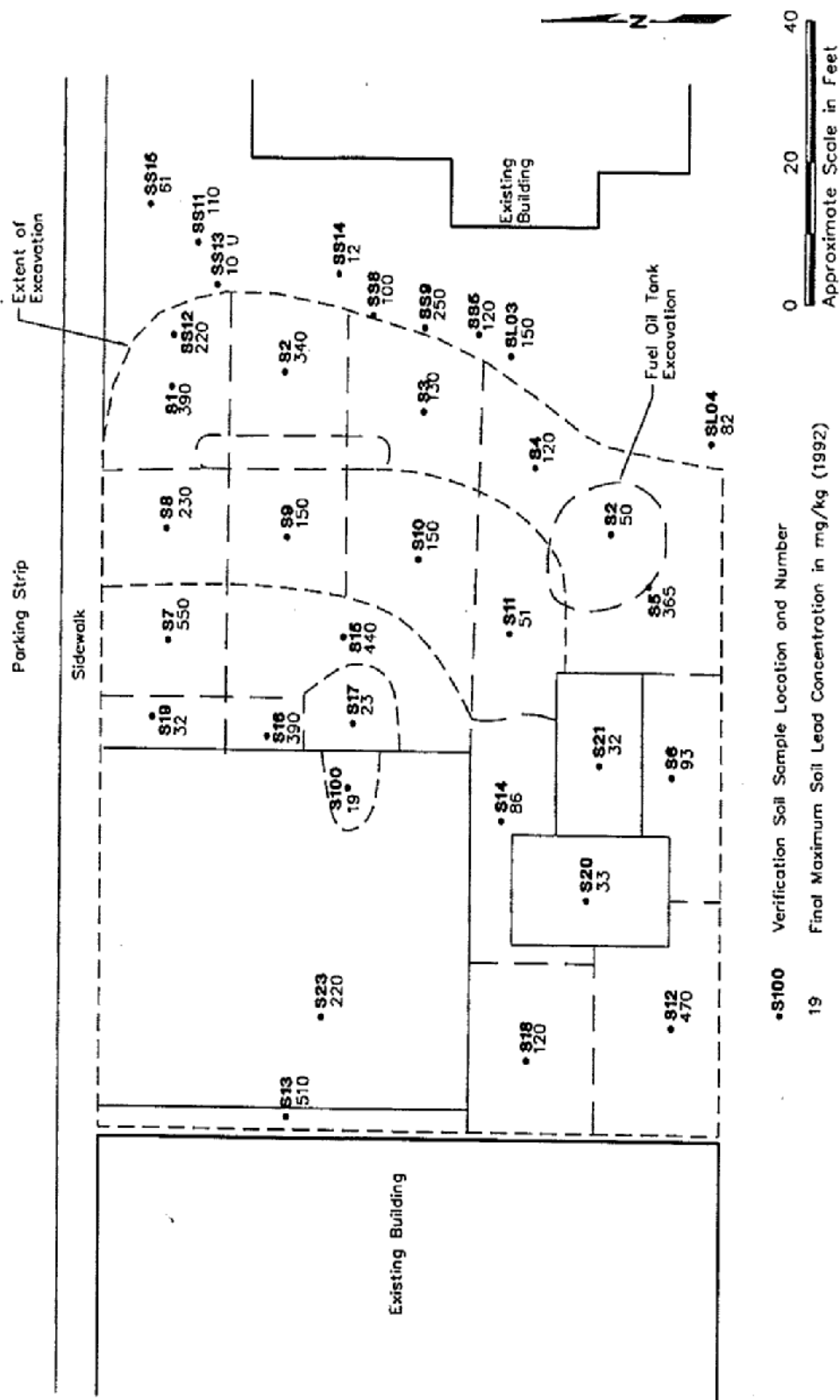
(Seal or stamp)

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Appendix A Final Verification Soil Sampling Data, Former Western Batteries Site

54TH AVENUE NW



6.5 Photo log

Photo 1: Warehouse building at 1127 - from the north across 54th Ave. NW



Photo 2: South side of warehouse at 1127 54th Ave. NW



Photo 3: Deteriorating asphalt south of warehouse, pipes of unknown purpose



Photo 4: There are still monitoring wells south of the warehouse

